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August 30, 2022

VIA ECF

The Honorable Victor Marrero
United States District Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl St.
New York, NY 10007-1312

Request GRANTED. The proposed schedule is adopted. The Court further schedules a case management conference for May 5, 2023 at 11:00 AM.

SO ORDERED.

9/2/2022

DATE



VICTOR MARRERO, USDJ

Re: International Code Council, Inc. v. UpCodes, Inc., 1:17-cv-6261-VM-VF

Dear Judge Marrero:

Pursuant to Your Honor's April 8, 2021 Order, the parties hereby inform the Court that the appeal has been resolved and jointly propose the following schedule for discovery on ICC's false advertising claims, consolidated for all pretrial purposes in Your Honor's June 15, 2020 Order, and trial on the copyright and false advertising claims.

Event	Deadline	Days Before Trial (for Pretrial Submissions)
Defendants' Answer to Complaint in False Advertising Case	October 14, 2022	
Opening of Fact Discovery in False Advertising Case	October 21, 2022	
Substantial Completion of Document Production in False Advertising Case	January 20, 2023	
Close of Fact Discovery in False Advertising Case	April 20, 2023	
Opening Expert Reports from Party Bearing Burden of Proof in False Advertising Case	May 22, 2023	
Rebuttal Expert Reports in False Advertising Case	June 26, 2023	
Close of Expert Discovery in False Advertising Case	July 17, 2023	



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Event	Deadline	Days Before Trial (for Pretrial Submissions)
Motions for Summary Judgment in False Advertising Case	August 21, 2023	
Oppositions to Motions for Summary Judgment in False Advertising Case	September 11, 2023	
Replies in Support of Motions Summary Judgment in False Advertising Case	September 25, 2023	
Parties to exchange <ul style="list-style-type: none"> * list of claims * contentions of fact * witness lists * exhibit lists * deposition designations * proposed jury instructions * proposed verdict forms 	November 21, 2023 or 60 days after a decision on all dispositive motions, whichever is later ¹	91 days before trial
Parties to exchange objections to <ul style="list-style-type: none"> * witness lists * exhibit lists * deposition designations * proposed jury instructions * proposed verdict form 	December 6, 2023	76 days before trial
Parties to complete meet and confer regarding list of claims and contentions of fact, and objections to <ul style="list-style-type: none"> * witness list * exhibit list * deposition designations * proposed jury instructions * proposed verdict form 	December 18, 2023	64 days before trial
Parties to Confer to Attempt to Agree on Stipulations of Fact and Admissibility	December 18, 2023	64 days before trial

¹ If after Nov. 21, 2023, all subsequent dates will be pushed back to keep the same number of days before trial.



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Event	Deadline	Days Before Trial (for Pretrial Submissions)
Motions in Limine	December 22, 2023	60 days before trial
Joint Pretrial Order	January 12, 2024	39 days before trial
Each Party's Pretrial Memorandum with Brief Discussion of the Issues to Be Tried and Authorities Relied Upon	January 12, 2024	39 days before trial
Joint Proposed Voir Dire	January 12, 2024	39 days before trial
Joint Proposed Request to Charge	January 12, 2024	39 days before trial
Joint List of Individuals, Companies and Other Entities that May Appear as Witnesses or Otherwise Be Referred to During Trial	January 12, 2024	39 days before trial
Joint Proposed Verdict Form	January 12, 2024	39 days before trial
Oppositions to Motions in Limine	January 12, 2024	39 days before trial
Reply Briefs on Motions in Limine	January 26, 2024	25 days before trial
Final Pretrial Conference	February 5, 2024	15 days before trial
Requests to Bring Computers into Courthouse	February 8, 2024	12 days before trial
Trial	February 20, 2024 (Estimated 20 days)	

Sincerely,


 J. Kevin Fee